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CONFEDERATE STATES OF AMERICA.

DEPARTMENT OF JUSTICE,

Richmond, October 22, 1862.

CIRCULAR LETTER TO DISTRICT ATTORNEYS, AND TO RECEIVERS UNDER THE
SEQUESTRATION ACT.

The Act of the thirtieth of August, 1861, declares that certain property "held, owned, possessed, or enjoyed by, or for any alien enemy, since the 21st day of May, one thousand eight hundred and sixty-one," is thereby sequestered, and that it shall be held for the full indemnity of a class of persons therein specified. The Act vested the property in the Confederate States, and declared a trust, and you are instructed to proceed in all cases, in which that trust seems to be impaired by subsequent legislation, as if no such legislation had been made. The object is to settle judicially the constitutionality of such subsequent legislation.

Instances wherein the trust seems to be impaired by the amendatory Act of the 15th February, 1862, readily occur : as the seventh section thereof, which gives the property of certain alien enemies to the next of kin. Independently of any trust, the section is a nullity. If the property be not sequestered, it remains in the alien enemy : if sequestered, the title is in the Confederate States, and the Congress cannot make gifts nor grant bounties.

The fourth section of the amendatory Act seems also to be violative of the trust, as in contravention of the original Act, it exempts from sequestration property transferred by an alien enemy to a citizen of the Confederate States, prior to the 30th August, 1861 : and so of the sixth section of the amendatory Act, if it shall appear that it limits the class of persons known as alien enemies, at the time the first Act was approved. But these are given merely as instances, the better to call the whole subject to your careful consideration.

WADE KEYES.

Acting Attorney General.

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